

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MICHAEL GRASSMUECK, as Trustee of)
the Bankruptcy Estate of James Wenger,)

Plaintiff,)

vs.)

JOHNSON CONTROLS BATTERY)
GROUP, INC., a Wisconsin Corporation,)
and JOHNSON CONTROLS, INC., a)
Wisconsin Corporation,)

Defendants.)
_____)

Civil Case No. 06-526-ST

ORDER

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KING, Judge:

The Honorable Janice Stewart, United States Magistrate Judge, filed Findings and Recommendation on May 18, 2007. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Both plaintiff and defendant Johnson Controls, Inc. (“JCI”) filed objections to the Findings and Recommendation, and JCI filed a response to plaintiff’s objections.


When either party objects to any portion of the Magistrate’s Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate’s report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I find no error.

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Accordingly, I ADOPT Judge Stewart's Findings and Recommendation (#72) and I GRANT in part and DENY in part defendants' Motion for Summary Judgment (#12).

Dated this 22nd day of July, 2007.



Garr M. King
United States District Judge